

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERSON E. VENITES, on behalf of himself, individually,
and on behalf of all others similarly-situated,

Docket No.: 17-cv-07330
(NSR)

Plaintiff,

**PROPOSED DEFAULT
JUDGMENT**

-against-

ORFINO'S RESTAURANT, INC., and MICHAEL
ORFINO, individually, and LINDA ORFINO,
individually,

Defendants.

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Plaintiff, having commenced the action by the filing of a Summons and Complaint on September 27, 2017, and true copies of the Summons and Complaint having been served upon the Defendant ORFINO'S RESTAURANT, INC., Defendant MICHAEL ORFINO, individually, and upon Defendant LINDA ORFINO, individually, all on October 7, 2017, (all, collectively, as the "Defendants"), and proof of service having been filed with the Court on October 16, 2017, and all Defendants having failed to plead or otherwise defend in this action, and said default having been duly noted;

NOW, on motion of Plaintiff, GERSON E. VENITES, by and through his attorneys, BORRELLI & ASSOCIATES, P.L.L.C., it is hereby ORDERED and ADJUDGED, that a Default Judgment be entered against Defendants, jointly and severally, in the amount of \$59,583.65 (\$51,077.18 + \$8,506.47 in attorneys' fees and costs), itemized as follows:

- (a) Compensatory Damages under either the Fair Labor Standards Act ("FLSA") or New York Labor Law ("NYLL") for overtime damages in the amount of \$15,026.79, under the NYLL for spread-of-hours damages in the amount of \$2,230.86, and under the NYLL for failure to pay wages in the amount of \$1,075.00; (b) Liquidated Damages



under the NYLL in the amount of \$18,332.65; (c) Statutory Damages under the NYLL in the amount of \$10,000.00; (d) Prejudgment interest under the NYLL in the amount of \$4,411.89 through the date of filing of this submission, to increase by \$4.52 for each day thereafter until judgment is entered; (e) attorneys' fees under either the FLSA or the NYLL in the amount of \$8,000.00; (f) costs under either the FLSA or the NYLL in the amount of \$506.47; and (g) Post-judgment interest under 28 U.S.C. § 1961 on all monies awarded by the Court as of the date that this judgment is entered;

It is further ORDERED and ADJUDGED that all monies awarded under the NYLL but not paid within ninety days of entry of this judgment shall increase at the rate of fifteen percent, pursuant to NYLL § 198(4).

Dated: White Plains, New York

Sept 13, 2019


The Honorable Nelson S. Román
United States District Judge